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Security Council

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Resolution 1882 (2009)

Adopted by the Security Council at its 6176th meeting, on 4 August 2009

The Security Council,

Reaffirming its resolutions 1261 (1999) of 25 August 1999, 1314 (2000) of 11 August 2000, 1379 (2001) of 20 November 2001, 1460 (2003) of 30 January 2003, 1539 (2004) of 22 April 2004, and 1612 (2005) of 26 July 2005, and the Statements of its President on 24 July 2006 (S/PRST/2006/33), 28 November 2006 (S/PRST/2006/48), 12 February 2008 (S/PRST/2008/6), 17 July 2008 (S/PRST/2008/28) and 29 April 2009 (S/PRST/2009/9), which contribute to a comprehensive framework for addressing the protection of children affected by armed conflict,

Acknowledging that the implementation of its resolution 1612 (2005) has generated progress, resulting in the release and reintegration of children into their families and communities and in a more systematic dialogue between the United Nations country-level task forces and parties to the armed conflict on the implementation of time-bound action plans, *while remaining deeply concerned* over the lack of progress on the ground in some situations of concern, where parties to conflict continue to violate with impunity the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict,

Stressing the primary role of national Governments in providing protection and relief to all children affected by armed conflicts,

Reiterating that all actions undertaken by United Nations entities within the framework of the monitoring and reporting mechanism must be designed to support and supplement, as appropriate, the protection and rehabilitation roles of national Governments,

Recalling the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against children,

Welcoming the fact that several individuals who are alleged to have committed crimes against children in situations of armed conflict have been brought to justice by national justice systems and international justice mechanisms and mixed criminal courts and tribunals,

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Convinced that the protection of children in armed conflict should be an important aspect of any comprehensive strategy to resolve conflict,

Calling on all parties to armed conflicts to comply strictly with the obligations applicable to them under international law for the protection of children in armed conflict, including those contained in the Convention on the Rights of the Child and its Optional Protocol on the involvement of Children in Armed Conflict, as well as the Geneva Conventions of 12th August 1949 and their Additional Protocols of 1977,

Reiterating its primary responsibility for the maintenance of international peace and security and, in this connection, its commitment to address the widespread impact of armed conflict on children,

Stressing its determination to ensure respect for its resolutions and other international obligations and applicable norms on the protection of children affected by armed conflict,

Having considered the report of the Secretary-General of 26 March 2009 (S/2009/158) and *stressing* that the present resolution does not seek to make any legal determination as to whether situations which are referred to in the Secretary-General's report are or are not armed conflicts within the context of the Geneva Conventions and the Additional Protocols thereto, nor does it prejudge the legal status of the non-State parties involved in these situations,

Deeply concerned that children continue to account for a considerable number of casualties resulting from killing and maiming in armed conflicts including as a result of deliberate targeting, indiscriminate and excessive use of force, indiscriminate use of landmines, cluster munitions and other weapons and use of children as human shields and *equally deeply concerned* about the high incidence and appalling levels of brutality of rape and other forms of sexual violence committed against children, in the context of and associated with armed conflict including the use or commissioning of rape and other forms of sexual violence in some situations as a tactic of war,

1. *Strongly condemns* all violations of applicable international law involving the recruitment and use of children by parties to armed conflict as well as their re-recruitment, killing and maiming, rape and other sexual violence, abductions, attacks against schools or hospitals and denial of humanitarian access by parties to armed conflict and all other violations of international law committed against children in situations of armed conflict;

2. *Reaffirms* that the monitoring and reporting mechanism will continue to be implemented in situations listed in the annexes to the reports of the Secretary-General on children and armed conflict in line with the principles set out in paragraph 2 of its resolution 1612 (2005) and that its establishment and implementation shall not prejudge or imply a decision by the Security Council as to whether or not to include a situation on its agenda;

3. *Recalls* paragraph 16 of its resolution 1379 (2001) and *requests* the Secretary-General also to include in the annexes to his reports on children and armed conflict those parties to armed conflict that engage, in contravention of applicable international law, in patterns of killing and maiming of children and/or rape and other sexual violence against children, in situations of armed conflict,

bearing in mind all other violations and abuses against children, and notes that the present paragraph will apply to situations in accordance with the conditions set out in paragraph 16 of its resolution 1379 (2001);

4. *Invites* the Secretary-General through his Special Representative for Children and Armed Conflict to exchange appropriate information and maintain interaction from the earliest opportunity with the governments concerned regarding violations and abuses committed against children by parties which may be included in the annexes to his periodic report;

5. *While noting* that some parties to armed conflict have responded to its call upon them to prepare and implement concrete time-bound action plans to halt recruitment and use of children in violation of applicable international law;

(a) *Reiterates* its call on parties to armed conflict listed in the annexes of the Secretary-General's report on children and armed conflict that have not already done so to prepare and implement, without further delay, action plans to halt recruitment and use of children in violation of applicable international law;

(b) *Calls upon* those parties listed in the annexes of the Secretary-General's report on children and armed conflict that commit, in contravention of applicable international law, killing and maiming of children and/or rape and other sexual violence against children, in situations of armed conflict, to prepare concrete time-bound action plans to halt those violations and abuses;

(c) *Further calls* upon all parties listed in the annexes to the Secretary-General's report on children and armed conflict to address all other violations and abuses committed against children and undertake specific commitments and measures in this regard;

(d) *Urges* those parties listed in the annexes of the Secretary-General's report on children and armed conflict to implement the provisions contained in this paragraph in close cooperation with the Special Representative of the Secretary-General for Children and Armed Conflict and the United Nations country-level task forces on monitoring and reporting;

6. In this context, *encourages* Member States to devise ways, in close consultations with the United Nations country-level task force on monitoring and reporting and United Nations country teams, to facilitate the development and implementation of time-bound action plans, and the review and monitoring by the United Nations country-level task force of obligations and commitments relating to the protection of children in armed conflict;

7. *Reiterates* its determination to ensure respect for its resolutions on children and armed conflict, and in this regard:

(a) *Welcomes* the sustained activity and recommendations of its Working Group on Children and Armed Conflict as called for in paragraph 8 of its resolution 1612 (2005), and invites it to continue reporting regularly to the Security Council;

(b) *Requests* enhanced communication between the Working Group and relevant Security Council Sanctions Committees, including through the exchange of pertinent information on violations and abuses committed against children in armed conflict;

(c) *Reaffirms* its intention to take action against persistent perpetrators in line with paragraph 9 of its resolution 1612 (2005);

8. *Stresses* the responsibility of the United Nations country-level task forces on monitoring and reporting and United Nations country teams, consistent with their respective mandates, to ensure effective follow-up to Security Council resolutions on children and armed conflict, to monitor and report progress to the Secretary-General in close cooperation with his Special Representative for Children and Armed Conflict and ensure a coordinated response to issues related to children and armed conflict;

9. *Requests* the Secretary-General to include more systematically in his reports on children and armed conflict specific information regarding the implementation of the Working Group recommendations;

10. *Reiterates* its request to the Secretary-General to ensure that, in all his reports on country-specific situations, the matter of children and armed conflict is included as a specific aspect of the report, and expresses its intention to give its full attention to the information provided therein, including the implementation of relevant Security Council resolutions and of the recommendations of its Working Group on Children and Armed Conflict, when dealing with those situations on its agenda;

11. *Welcomes* the efforts of the Department of Peacekeeping Operations in mainstreaming child protection into peacekeeping missions, in line with that Department's recently adopted Child Protection Policy directive, and encourages the deployment of Child Protection Advisers to peacekeeping operations, as well as into relevant peacebuilding and political missions, and decides to continue the inclusion of specific provisions for the protection of children in such mandates;

12. *Requests* Member States, United Nations peacekeeping, peacebuilding and political missions and United Nations country teams, within their respective mandates and in close cooperation with governments of the concerned countries, to establish appropriate strategies and coordination mechanisms for information exchange and cooperation on child protection concerns, in particular cross-border issues, bearing in mind relevant conclusions by the Security Council Working Group on Children and Armed Conflict and paragraph 2 (d) of its resolution 1612 (2005);

13. *Stresses* that effective disarmament, demobilization and reintegration programmes for children, building on best practices identified by UNICEF and other relevant child protection actors, are crucial for the well-being of all children who, in contravention of applicable international law, have been recruited or used by armed forces and groups, and are a critical factor for durable peace and security, and urges national Governments and donors to ensure that these community-based programmes receive timely, sustained and adequate resources and funding;

14. *Also stresses* the importance of timely, sustained and adequate resources and funding for effective welfare programmes for all children affected by armed conflict;

15. *Calls upon* Member States, United Nations entities, including the Peacebuilding Commission and other parties concerned to ensure that the protection, rights, well-being and empowerment of children affected by armed conflict are integrated into all peace processes and that post-conflict recovery and reconstruction

planning, programmes and strategies prioritize issues concerning children affected by armed conflict;

16. *Calls upon* concerned Member States to take decisive and immediate action against persistent perpetrators of violations and abuses committed against children in situations of armed conflict, and further calls upon them to bring to justice those responsible for such violations that are prohibited under applicable international law, including with regard to recruitment and use of children, killing and maiming and rape and other sexual violence, through national justice systems, and where applicable, international justice mechanisms and mixed criminal courts and tribunals, with a view to ending impunity for those committing crimes against children;

17. *Requests* the Secretary-General to continue to take the necessary measures including, where applicable, to bring the monitoring and reporting mechanism to its full capacity, to allow for prompt advocacy and effective response to all violations and abuses committed against children and to ensure that information collected and communicated by the mechanism is accurate, objective, reliable and verifiable;

18. *Requests* the Secretary-General to provide administrative and substantive support for the Security Council Working Group on Children and Armed Conflict taking into consideration its current workload and the need to strengthen its capacities and institutional memory;

19. *Requests* the Secretary-General to submit a report by May 2010 on the implementation of its resolutions and presidential statements on children and armed conflict, including the present resolution, which would include, inter alia:

(a) Annexed lists of parties in situations of armed conflict on the agenda of the Security Council or in other situations of concern, in accordance with paragraph 3 of the present resolution;

(b) Information on measures undertaken by parties listed in the annexes to end all violations and abuses committed against children in armed conflict;

(c) Information of progress made in the implementation of the monitoring and reporting mechanism established in its resolution 1612 (2005);

(d) Information on the criteria and procedures used for listing and de-listing parties to armed conflict in the annexes to his periodic reports, bearing in mind the views expressed by all the members of the Working Group during informal briefings to be held before the end of 2009;

20. *Decides* to remain actively seized of this matter.